IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7306 OF 2007

India Security Press Mazdoor Sangh & anr] .. Petitioners

Versus

1. Union of India & 2 ors.] .. Respondents

Mr. Sushil Mahadeshwar i/b Ms. Ranjana Todankar for the petitioners.

Mr. S.S. Pakale for the respondent No.1.

CORAM: S.B. MHASE &
D.G. KARNIK, JJ.

DATED: 05TH OCTOBER, 2007

P.C. :

1. Heard. By this Petition, the petitioner challenges the judgment and order passed by the Central Administrative Tribunal (for short "Tribunal") dated 10th October, 2006, rejecting the petitioner's application.

2. The petitioner No.1 is the union of employees and petitioner No.2 is the secretary of the union representing the workmen employed under the India Security Press. Under a scheme dated 5th September, 2001, the Government of India agreed to give certain

incentives to the workmen of India Security Press. The incentive was to be computed on the basis of salary of the workmen. A Representation was made by the petitioners that for the purpose of calculating the wages/salary, house rent allowance should also be taken into account. The General Manager of the Security Press also recommended the inclusion of the house rent allowance for computing he incentive. Pending the approval of the recommendation, the Security Press paid the incentive on the basis that house rent allowance formed part of the wages/salary. Ultimately, the representation made by the petitioners was not accepted and the Government initiated recovery of the excess amount incentive paid on the basis of erroneous assumption that house rent allowance would be included in the wages for the purpose of calculation of incentive. Petitioner thereafter approached the Central Administrative Tribunal (for short "CAT") for challenging the decision of recovery. The CAT dismissed the application. That decision is impugned in this Petition.

3. Our attention was invited to the definition of salary/wages given in paragraph 2(k) of the scheme. It does not include house rent allowance. In the circumstances, the incentive could not have been

calculated by including the house rent allowance. Since the incentive was wrongly paid, the Government is entitled to recover the amount paid erroneously. We do not see any error in the order of the CAT. The Petition is, accordingly, rejected summarily.

Sd/-
[D.G. KARNIK, J.]

Sd/-
[S.B. MHASE, J.]